

SITE DEVELOPMENT PERMIT

FILE NO. H14-029

LOCATION OF PROPERTY Area bounded by North First Street, Daggett Drive, Zanker Road, and East Plumeria Drive

ZONING DISTRICT IP Industrial Park

GENERAL PLAN DESIGNATION Transit Employment Center

PROPOSED USE Site Development Permit to allow the demolition of eight existing industrial buildings totaling 364,854 square feet, removal of up to 119 ordinance size and 167 non-ordinance size trees, and the construction of up to 1,653,731 square feet of industrial office with incidental commercial support, and up to 1,028,084 square feet of associated parking garages for up to 4,513 parking spaces on a 24.3 gross acre site

ENVIRONMENTAL STATUS Addendum to the North San Jose EIR (Resolution No. 72767)

OWNER/APPLICANT ADDRESS BXP North First LP
4 Embarcadero Center, Lobby Level
San Francisco, California 94111

FINDINGS

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. **Site Description and Surrounding Uses.** The subject site is located in the area bounded by North First Street, Daggett Drive, Zanker Road, and East Plumeria Drive and is surrounded by industrial office development across each street. The site is currently developed with eight one-story industrial office buildings totaling 364,854 square feet. The Orchard light rail station on North First Street is approximately 380 feet north of the project site.
2. **Project Description.** The subject Site Development Permit would allow the demolition of eight existing industrial buildings totaling 364,854 square feet, removal of up to 119 ordinance size and 167 non-ordinance size trees, and the construction of up to 1,653,731 square feet of industrial office with incidental commercial support, and up to 1,028,084 square feet of associated parking garages. Vehicle access to the project site would be provided via ingress/egress driveways on three street frontages including one on Zanker Road, three on East Plumeria Drive, and seven on Daggett Drive. An additional entry only access would be provided on East Plumeria Drive on the easternmost driveway. The proposed driveway on Daggett Drive near the western boundary would be for commercial

loading and emergency vehicle access only. There would be no vehicle access from North First Street. The project consists of two schemes, each with multiple phases.

- a. Scheme A includes 1,422,766 square feet of research and development office in nine buildings and three above-ground parking garages totaling 1,314,637 square feet. Scheme A is broken up into three phases.
 - b. Scheme B includes 1,663,731 square feet of research and development office in seven buildings ten buildings and two above-ground parking garages totaling 1,016,860 and two underground parking garages totaling 524,314 square feet. Scheme B is broken up into two phases.
3. **General Plan Conformance.** The Project is consistent with the site's Envision San Jose 2040 General Plan Land Use / Transportation Diagram designation of Transit Employment Center in that this designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services.
- a. Consistent with General Land Use Policy 1.6, this employee-intensive industrial use is located within walking distance to local and regional transportation infrastructure, including bus lines and light rail stations.
4. **Zoning Code Compliance.**
- a. Section 13.32.030 of the City of San Jose Municipal Code states that a Development Permit may permit the removal of a live tree. The subject permit includes the removal of 119 ordinance size and 167 non-ordinance size trees. These removals will be mitigated by the planting of a total of 567 replacement trees on site and in-lieu of payments to Our City Forrest.
 - b. Under the provisions of Section 20.80.460 of the San Jose Municipal Code, the Director, or on appeal the Planning Commission or City Council, shall determine whether the benefits of permitting the demolition, removal or relocation of a building outweighs the impacts of the demolition, removal or relocation of a building prior to the issuance of any development permit which allows for the demolition, removal, or relocation such building. The subject permit includes the demolition of eight existing industrial buildings totaling 364,854 square feet.
 - c. Section 20.100.610 of the City of San José Municipal Code states that a Site Development Permit is required prior to the issuance of any building permit for erection, construction, enlargement, placement or installation of a building or structure in conformance with the applicable zoning regulations.
 - i. *Setbacks.* The required front setback for buildings is 15 feet and parking and circulation is 25 feet; the proposed parking lots and buildings maintain this setback. There is no rear or side setback requirement.
 - ii. *Height.* Per the Section 20.85.020 of the Zoning Code, the project site is in a geographic area with specific height restrictions. Buildings can be a maximum of 250 feet in height, which the proposed buildings comply with. The tallest building, B6, present in both schemes is approximately 110 feet in height.

- iii. *Parking Requirement.* Parking for research and development office uses is required at a rate of one space/300 square feet of floor area and parking for office uses is required at a rate of one/250 square feet of floor area. The project site qualifies for a 20 percent parking reduction as it is within 2,000 of public transit stations. Scheme A requires 3,227 parking spaces based on 1,360,178 square feet of research and development office and 62,588 square feet of flex R&D. Scheme A provides 3,978 parking spaces. Scheme B requires 3,773 parking spaces based on 1,601,143 square feet of research and development office and 62,588 square feet of flex R&D. Scheme B provides 4,513 parking spaces.
5. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties. An Addendum to the North San Jose Environmental Impact Report (EIR) was prepared for the project and found that the project would not have a negative effect on the environment.
6. **Tree Removal Permit Findings.** After investigation and hearing held pursuant to Chapter 13.32 of the San José Municipal Code, the Director of Planning finds:
- That the trees are of an affected size, type and condition, and are in such a location in such surroundings, that their removal would not significantly frustrate the purposes of Chapter 13.32; and
 - That the location of the trees with respect to the proposed improvement unreasonably restricts the economic development of the parcel in question.
7. **Demolition Permit Findings.** The Director of Planning has considered the following in evaluating the proposed demolition:
- The failure to approve the permit would result in the creation of continued existence of a nuisance, blight or dangerous condition.
 - The failure to approve the permit would jeopardize public health, safety or welfare.
 - Both inventoried and non-inventoried buildings, sites and districts of historical significance will not be negatively impacted.
 - The approval of the demolition of the building would maintain the supply of existing housing stock in the City;
 - Rehabilitation or reuse of the existing building would not be feasible; and
 - The approval of the demolition of the building should facilitate a project that is compatible with the surrounding neighborhood.
8. **Site Development Permit Findings.** Chapter 20.100 of Title 20 of the San Jose Municipal Code establishes required findings for issuance of a Site Development Permit.
- The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious in that the proposed buildings are consistent with the height and setback requirements of the TEC Transit Employment Center Zoning District. All of the proposed buildings share a common design theme in terms of setbacks, separations, massing, and materials.

- b. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood in that consistent with the North San Jose Urban Design Guidelines, the proposed buildings have a contemporary design that supports the vision for North San Jose as an innovative, urban place. A majority of the proposed parking is located in parking garages (Scheme A) or underground (Scheme B). Perimeter parking visible to adjacent development is minimal and behind landscaped setbacks.
- c. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties in that an Addendum to the North San Jose EIR was granted for this project under the provisions of environment review requirements of Title 21 of the San José Municipal Code implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
- d. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood in that the project includes a new covered trash enclosures designed consistently with the proposed building and rooftop equipment will be screened to mitigate visual impacts.
- e. Traffic access, pedestrian access and parking are adequate in that:
 - i. Vehicle access to the project site would be provided via ingress/egress driveways on three street frontages including one on Zanker Road, three on East Plumeria Drive, and seven on Daggett Drive. An additional entry only access would be provided on East Plumeria Drive on the easternmost driveway.
 - ii. The project conforms to the vehicle and bicycle parking requirements set forth in the Zoning Ordinance.
 - iii. An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
- f. The application is either consistent with the General Plan or counterbalancing considerations justify the inconsistency, in that the proposed project is consistent with the site's Transit Employment Center designation, which is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services.
 - i. Consistent with General Land Use Policy 1.6, this employee-intensive industrial use is located within walking distance to local and regional transportation infrastructure, including bus lines and light rail stations.

In accordance with the findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions,

each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
5. **Conformance to Plans.** The development of the site shall conform to the approved Site Development Permit plans entitled, "Boston Properties North First Street" dated November 17, 2014 on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.

6. **Permit Adjustment Required.** Prior to the issuance of a Building Permit, the Developer shall secure and agree to implement a Permit Adjustment to the satisfaction of the Director of Planning which address the following items:
 - a. The Permittee shall obtain a Permit Adjustment to incorporate all FAA conditions identified in the Determinations of No Hazard (if issued), e.g., obstruction lights or construction-related notifications, into the Site Development Permit conditions of approval. Refer to Condition #37.
7. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
8. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
9. **Revocation.** This Permit is subject to revocation for violation of any of its provisions or conditions.
10. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
11. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
12. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
13. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
14. **Directory.** A lighted directory showing addresses and locations of all buildings on site shall be provided at the main entrance of the site.
15. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
16. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
17. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
18. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.

19. **Lighting.** On-site lighting is approved as shown on the approved plans. Any additional on-site exterior lighting shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment. All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, low-pressure sodium fixtures unless otherwise approved with this project. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
20. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set.
21. **Generators.** This permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
22. **Green Building Requirements for Tier 2 Non Residential Development ($\geq 25,000$ square feet).** This development is subject to the City's Green Building Ordinance for Private Sector New Construction. Prior to the issuance of any shell or complete building permits issued on or after September 8, 2009 for the construction of buildings approved through the scope of this permit, the applicant shall pay a Green Building Refundable Deposit in the amount of \$40,000 applicable to the gross square footage of said buildings which are approved through this permit. The project must receive the minimum green building certification of LEED Silver. The request for refund of the Green Building Deposit together with green building certification evidence demonstrating the achievement of the green building standards indicated above shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code.
23. **Reclaimed Water.** The project shall conform to Chapter 15.10 and 15.11 of the San José Municipal Code. The Code addresses the use of reclaimed water including the requirement that an irrigation system be designed to allow for the current and future use of reclaimed water for all landscaped cumulative areas in excess of ten thousand (10,000) square feet.
24. **Window Glazing.** Unless otherwise indicated on the approved plan, all windows shall consist of a transparent glass.
25. **Replacement Trees.** 567 trees are proposed to replace those removed as part of this proposal. In accordance with the City's standard replacement ratio, 798 trees are required as replacements on the site. Because the required number of replacement trees would not be provided on the site, the applicant must donate \$300.00 to the "Our City Forest" non-profit organization, (408) 998-7337 or www.ourcityforest.org, per replacement tree that is not provided. Based on the aforementioned numbers, the applicant must make a donation in the amount of \$69,300 to Our City Forest. The applicant shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager, to verify compliance with the mitigation requirements. Such evidence should be labeled "File Number H14-029" and sent to the Planning Project Manager, prior to the issuance of Building Permits or Public Works clearance.
26. **Permit Posting.** Prior to commencement of and during removal of any ordinance-size tree pursuant to this Permit, the applicant shall post on the site, or cause to be posted, a copy of this validated Permit in conformance with the following:

- a. The copy of the permit shall be a minimum size of 8.5 by 11.0 inches; shall be posted at each public street frontage within 2 feet of the public sidewalk or right-of-way; and shall be posted in such a manner that the permit is readable from the public sidewalk or right-of-way; or
 - b. If the site does not have a public street frontage, a copy of the permit shall be posted at a location where the permit is readable from a common access driveway or roadway.
27. **Tree Mitigation.** Each tree to be removed shall be mitigated at the following ratios:
 - a. Each tree less than 12" in diameter to be removed = one 15 gallon tree
 - b. Each tree 12" to 18" diameter to be removed = two 24" box trees
 - c. Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees
28. **Demolition.** This permit allows the demolition of structures as noted on the approved Plans.
29. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
30. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
31. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
32. **Hazardous Materials Storage.** This permit does not include any approval of facilities or areas on, within, or under the site to be used for the storage of hazardous, toxic, flammable, or combustible materials, and such facilities or areas are subject to review under a separate Site Development Permit.
33. **Industrial Waste.** If industrial waste, as defined by Chapter 15.12 of the San Jose Municipal Code, is to be discharged into the sanitary sewer system, a clearance shall be obtained from the Water Pollution Control Plant, Industrial Waste Section.
34. **Asbestos.** In accordance with State law, an asbestos survey shall be completed prior to the demolition renovation of any structures on the site. If any asbestos building materials are present, an asbestos abatement program will be implemented, including the removal and disposal of the materials at a permitted facility.
35. **Conformance to MMRP.** This project shall conform to all applicable requirements of the Mitigation Monitoring and Reporting Program approved for this development.

36. **FAA Clearance Required.** Prior to the issuance of a building permit, the permittee shall obtain from the Federal Aviation Administration a “Determination of No Hazard to Air Navigation” for each building high point. The permittee shall abide by any and all conditions of the FAA determinations (if issued) such as height specifications, rooftop marking/lighting, construction notifications to the FAA through filing of Form 7460-2, and “No Hazard Determination” expiration date. The data on the FAA forms should be prepared by a licensed civil engineer or surveyor using NAD83 location coordinates out to hundredths of seconds and NAVD88 elevations rounded off to next highest foot.
37. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
- a. *Construction Plans.* This permit file number, H14-029, shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
 - d. *Project Addressing Plan.* Prior to issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official: The project applicant shall submit an addressing plan for approval for the subject development (residential, mixed use, complex commercial or industrial). The addressing plan should include proposed street names for the streets (as referenced on an approved tentative map) and the type of addressing (i.e., individual street addresses as compared to unit number off of a primary street).
38. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
39. **Fire Flow.** Required fire flow for the site is calculated using CFC Appendix B, or as otherwise approved in writing by the Fire Chief. A 50% reduction in required fire flow may be authorized for sprinklered buildings containing light hazard occupancies. A 25% reduction in required fire flow may be authorized for sprinklered buildings containing ordinary hazard occupancies. No reduction is provided for unsprinklered or extra hazard occupancy buildings.
40. **Fire Hydrants.** Public (off-site) and private (on-site) fire hydrants shall be provided as approved and at the exact location specified by the Fire Protection Engineering Section of the Fire Department to the satisfaction of the Fire Chief. The number and distribution of fire hydrants shall be based on CFC Table C105.1 (no reduction allowed for fire flow requirement).
41. **Fire Hydrants and Driveways.** All fire hydrants shall be at least 10 feet from all driveways to the satisfaction of the Fire Chief.

42. **Fire Lanes.** Fire lanes, suitably designated “FIRE LANE-NO PARKING,” shall be provided as required by the Fire Department.
43. **Fire Department Connections.** All fire department connections shall be located within 100 feet from a standard public fire hydrant. All alternate means of protections shall be reviewed by the Fire Department. The public fire hydrant(s) shall be located on the same frontage as all fire service connections.
44. **Fire Department Connections.** Fire sprinkler and standpipe fire department connections (FDC) serving the same building shall be located directly adjacent to each other. Buildings in excess of 200 feet long and or having frontage on multiple streets shall have multiple FDCs. The Locations shall be approved during plan check by San Jose Fire Department and shall be depicted on the riser key plan(s).
45. **Access Roads.** Approved access road(s) and hydrant(s) shall be provided once wood framing is available at site or provide an alternate means of water suppression subject to the approval of the Fire Department. Obtain permit and pay applicable fees prior to the installation. Contact the San José Fire Department’s Fire Protection Systems Section at (408) 277-8756.
46. **Access Control.** When access control devices including bars, grates, gates, electric and/or magnetic locks, or similar devices which would inhibit rapid fire department emergency access to the building are installed, such devices shall be approved by the Chief. All access control devices shall be provided with an approved means for deactivation or unlocking by the Fire Department. Access control devices shall also comply with CFC/CBC Chapter 10 for exiting.
47. **Lock Boxes.** The project development shall provide lock boxes to the satisfaction of the Chief Building Official and Fire Chief.
48. **Emergency Vehicle Access.** Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. To the satisfaction of the Fire Chief, the fire access shall include the following:
 - a. An approved all weather surface;
 - b. Access road that are at least 20 feet wide;
 - c. Dimensions with a minimum 13 feet 6 inch vertical clearance;
 - d. Load bearing designs that are maintained to support the loads of fire apparatus of at least 75,000 pounds;
 - e. Maintain a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
 - f. Designs with approved provisions for turning around of fire apparatus if it has dead ends and is in excess of 150 feet;
 - g. Maintain a maximum grade of 15%;
 - h. Provide a second point of access is required when a fire apparatus road exceeds 1,000 feet;

- i. Curbs are required to be painted red and marked as “Fire Lane - No Parking” under the following conditions: (show exact locations on plan)
 - i. Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked
 - ii. Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked

49. General Fire Prevention Requirements. The developer shall provide the following improvements:

- a. *Fire Sprinkler System.* Building(s) shall be provided with an automatic fire extinguishing system in accordance with CFC 903.2 and SJFC 17.12.630. Systems serving more than 20 heads shall be supervised by an approved central, proprietary, or remote service to the satisfaction of the Fire Chief.
- b. *Requirements for Trash Areas.* Outdoor covered areas and trash enclosures may require the sprinkler system to be extended to protect them.
- c. *Fire Alarm System.* Building(s) shall be provided with an automatic fire alarm system as required by CFC 907.2 and 907.3.
- d. *Standpipes Available During Construction.* All buildings under construction, three or more stories in height, shall have at least one standpipe for use during construction. Such standpipe shall be provided with fire department hose connections. Location(s) and numbers of standpipe(s) shall be reviewed and approved by the Fire Department.
- e. *Elevators.* Elevators shall be in accordance with the requirements stipulated in the California Building Code Chapter 30. All buildings with one or more passenger service elevators shall be provided with not less than one medical emergency service elevator.
- f. *Management Association Responsibilities for Life & Safety Systems.* The developer/owner shall create and maintain a Management Association which will be responsible for the fire/life safety systems inspections per Title 19 and access to the systems if applicable.
- g. *Hazardous Materials.* The applicant must contact the Hazardous Materials Division at (408) 535-7750 as soon as possible to initiate the process to determine if the type and quantity of hazardous material is acceptable per code and whether a Hazardous Materials Plan Review is required.
- h. *Construction Fire Protection Plan.* A “Construction Fire Protection Plan” for approval by San Jose Building and Fire Departments is required prior to starting construction for wood framing projects consisting of 15 or more dwelling units or construction exceeding a total of 50,000 square feet.

50. Water Infrastructure Improvements. A project-level water demand analysis was completed as part of this project's Addendum to the North San Jose Area Development Policies Update Final EIR. The analysis identified that existing water infrastructure is sufficient to supply the development with water for Phase 1 of either development scenario or a water consumption rate of up to 10,538,345 gallons/year. Prior to the issuance of a building permit for any development beyond Phase 1 or a water consumption rate of 10,538,345 gallons/year additional water analysis is required. This additional water analysis

shall be submitted to the Director of Planning, Building and Code Enforcement for coordination with the San Jose Municipal Water System. Water infrastructure improvements will be assessed at that time.

51. **Draft Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, and is subject to the following requirements to the satisfaction of the Director of Public Works:
- a. *Construction Agreement.* The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
 - b. *Transportation:*
 - i. An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
 - ii. Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2014 fee is \$13.54 per square foot for industrial use. It is subject to an annual escalation of 3.3% on July 1st and the next fee escalation will occur on July 1st, 2015. This fee must be paid prior to issuance of Public Works Clearance. Credits for existing structures on site will be applied to the residential traffic impact fee consistent with the policy and will be prorated with each building permits issued.
 - c. *Grand Boulevard.* This project fronts North First Street which is designated as one of the seven Grand Boulevards per the Envision San Jose 2040 General Plan. Grand Boulevards are identified to serve as major transportation corridors for primary routes for VTA light-rail, bus rapid transit, standard or community buses, and other public transit vehicles. Although Grand Boulevards accommodate all modes of travel, the primary priority is given to public transit. At a minimum, Grand Boulevards require a 135' right-of-way. This project may be required to provide the following along N. First St.:
 - i. Minimal driveway cuts to prevent transit delay.
 - ii. Accommodation for emergency, moving, garbage, and commercial vehicles onsite.
 - iii. Enhanced connections and shelters for transit facilities.
 - d. *Street Vacation.* A street vacation may be required on Zanker Rd. in order to accomplish the land use plan as shown. The street vacation process requires further discretionary approval by the City Council and the project will be subject to this process prior to Public Works Clearance.
 - e. *Grading/Geology:*
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and

- inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
- iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - iv. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- f. *Stormwater Runoff Pollution Control Measures.* This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
- i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and additional information is required per the Actions/Revisions section.
 - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- g. *Stormwater Peak Flow Control Measures.* The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- h. *Flood.* Portions in Zone AH, Elevation 20.00' North American Vertical Datum of 1988 (NAVD88) and AO, Depth 1'; Majority in Zone X
- i. The project shall conform to the Updated 2006 North San Jose Floodplain Management Study (NSJFMS). The NSJFMS was updated to reflect the completed Downtown and Lower Guadalupe River Flood Protection Projects and to show the resulting blockage requirements for applicable projects in North San Jose.
 - ii. Based on the 2006 NSJFMS, ultimate blockage for the western half of the project site should not to exceed 90% of the site perpendicular to flow of flood waters. Flow direction is south to north. The eastern half of the project site is within the ineffective flow area and is not subject to the blockage requirements.

- iii. For new buildings within the 90% blockage area:
- iv. Elevate lowest finished floor of each proposed building to minimum design elevation of 21.00' NAVD88 as shown on the 2006 NSJFMS map or floodproof to the same elevation.
- v. For new buildings within flood zone AO, Depth 1' but outside the 90% blockage area:
- vi. Elevate lowest finished floor of each proposed building more than 1 foot above the highest existing adjacent grade to the proposed structure or floodproof to the same elevation. For insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
- vii. For new buildings within flood zone X but outside the 90% blockage area:
- viii. Recommended to elevate lowest finished floor of each proposed buildings more than 1 foot above the highest existing adjacent grade to the proposed structure or floodproof to the same elevation.
- ix. An Elevation Certificate (FEMA 086-0-33) for each proposed structure, based on construction drawings, is required prior to issuance of a building permit. Consequently, an Elevation Certificate for each built structure, based on finished construction is required prior to issuance of an occupancy permit.
- x. If the structure is to be floodproofed, a Floodproofing Certificate (FEMA Form 086-0-34) for each structure, floodproofing details, and if applicable, a Flood Emergency Operation Plan and an Inspection & Maintenance Plan are required prior to the issuance of a Public Works Clearance.
- xi. Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.
- i. *Sewage Fees.* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- j. *Municipal Water.* In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Jeff Provenzano at (408) 277-3671 for further information.
- k. *Assessments.* This project is located within Maintenance District 8 (Zanker-Montague), which maintains the enhanced street island landscaping on Zanker Road and Plumeria Drive within the boundaries of the district. The benefiting properties within the district pay for the maintenance through annual assessments placed on the County property tax bills which are adjusted annually by the Consumer Price Index. The 2014-15 assessment on APN 101-30-006 is \$8,823.22, which is calculated at approximately \$443 per acre minus any credits for this fiscal year. Public agencies and non-profit uses are not exempt from this special assessment. Future year assessments will continue to be collected through the County property tax bills listed under Tax Code 930 "S J MAINT DIST #8". Questions may be directed to Thomas Borden at (408) 535-6831.

1. *Street Improvements:*

- i. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- ii. Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
- iii. Close unused driveway cut(s).
- iv. Proposed driveway width to be 26'.
- v. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- vi. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
- m. *Electrical.* Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
- n. *Street Trees.* The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
- o. *Referrals.* This project should be referred to the Santa Clara Valley Transportation Authority (VTA).

52. Revocation, Suspension, Modification. This Site Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **10th day of December, 2014.**

Harry Freitas, Director
Planning, Building, and Code Enforcement

Deputy